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## **FAX COVER SHEET**

**TO:** Genova, J. M.

**FROM::** Examiner Chang, Art Unit 1625

**RE:** SN 09/690,044 Attoney's Docket:

**MESSAGE:** Structural delineation

**TOTAL PAGE** (including cover page) 5

If transmission is incomplete please contact Examiner Chang at 703-308-4702.

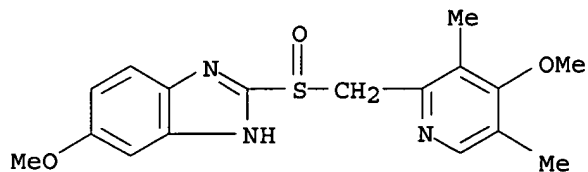
Based on the newly available guidelines 67 USPQ2d 1664, the instant claim would be considered anticipatory by all three of the following compounds because it was different forms of the named compound; one in mixture, one alone, one in a hydrated form.

To clearly demarcate the product of the instant application the explicit compound 202742-30-1 needs to be incorporated into the claim, i.e. an isolated single enantiomer "free from any other isomer". Descriptive support for an isolated single enantiomer from the specification in examples 5, 6 and 12 is 99.9%, 98% and 94%. These "products" were assumed to be the ones tested in the 132 Declaration to show unexpected results.

Therefore, recommendation of demarcating the claimed compound to the product as

An isolated Mg salt of (-)-5-methoxy-2[[[4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfonyl]-H-benzimidazole, at least 94% enantiomerically pure.

RN 372518-59-7 REGISTRY  
 CN 1H-Benzimidazole, 5-methoxy-2-[[[4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-, magnesium salt, octahydrate (9CI) (CA INDEX NAME)  
 MF C17 H19 N3 O3 S . 4 H2 O . 1/2 Mg  
 SR CA  
 LC STN Files: CA, CAPLUS, USPATFULL  
 DT.CA Caplus document type: Patent  
 RL.P Roles from patents: BIOL (Biological study); PREP (Preparation); PROC (Process); USES (Uses)  
 CRN (73590-58-6)



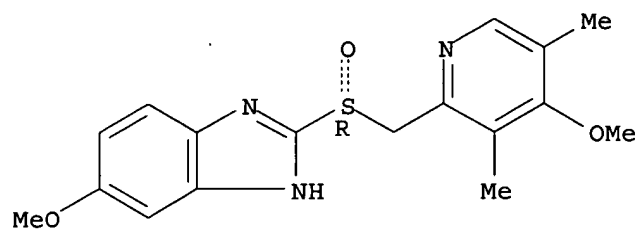
● 1/2 Mg

● 4 H<sub>2</sub>O

2 REFERENCES IN FILE CA (1907 TO DATE)  
 2 REFERENCES IN FILE CAPLUS (1907 TO DATE)

RN 202742-30-1 REGISTRY  
 CN 1H-Benzimidazole, 5-methoxy-2-[[[(4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-, magnesium salt, (R)- (9CI) (CA INDEX NAME)  
 FS STEREOSEARCH  
 MF C17 H19 N3 O3 S . 1/2 Mg  
 SR CA  
 LC STN Files: CA, CAPLUS, IMSPATENTS, IMSRESEARCH, USPATFULL  
 DT.CA Caplus document type: Patent  
 RL.P Roles from patents: BIOL (Biological study); PREP (Preparation); USES (Uses)  
 CRN (119141-89-8)

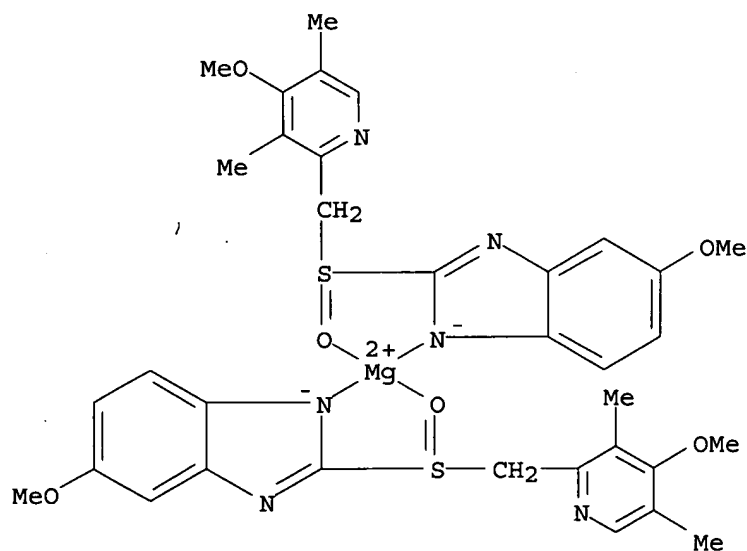
Absolute stereochemistry. Rotation (+).



● 1/2 Mg

1 REFERENCES IN FILE CA (1907 TO DATE)  
 1 REFERENCES IN FILE CAPLUS (1907 TO DATE)

RN 95382-33-5 REGISTRY  
 CN Magnesium, bis[5-methoxy-2-[[[4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl-κO]-1H-benzimidazolato-κN1]-, (T-4)-(9CI) (CA INDEX NAME)  
 OTHER CA INDEX NAMES:  
 CN 1H-Benzimidazole, 5-methoxy-2-[[[4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-, magnesium complex  
 CN Magnesium, bis[5-methoxy-2-[[[4-methoxy-3,5-dimethyl-2-pyridinyl)methyl]sulfinyl]-1H-benzimidazolato]-, (T-4)-  
 OTHER NAMES:  
 CN Magnesium omeprazole  
 CN Omeprazole magnesium  
 DR 228248-86-0  
 MF C34 H36 Mg N6 O6 S2  
 CI CCS, COM  
 LC STN Files: BIOSIS, CA, CAPLUS, CASREACT, CIN, DIOGENES, IMSPATENTS, IMSRESEARCH, IPA, TOXCENTER, USAN, USPAT2, USPATFULL  
 DT.CA Caplus document type: Patent  
 RL.P Roles from patents: BIOL (Biological study); PREP (Preparation); PROC (Process); PRP (Properties); USES (Uses)



32 REFERENCES IN FILE CA (1907 TO DATE)  
 32 REFERENCES IN FILE CAPLUS (1907 TO DATE)